



**WATFORD
BOROUGH
COUNCIL**

OUTSOURCED SERVICES SCRUTINY PANEL

Thursday, 7th July, 2016

7.00 pm

Publication date: 29 June 2016

Contact

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Jodie Kloss/Alan Garside in Democracy and Governance on 01923 278376 or by email to legalanddemocratic@watford.gov.uk

Welcome to this meeting. We hope you find these notes useful.

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Committee Membership

Councillor T Williams (Chair)

Councillor A Rindl (Vice-Chair)

Councillors S Cavinder, J Dhindsa, K Hastrick, A Joynes and P Kent

Agenda

Part A - Open to the Public

1. Apologies for Absence/ Committee membership

2. Disclosures of interest

3. Minutes

The minutes of the meeting held on 24 February 2016 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

(All minutes are available on the Council's [website](#).)

4. Introduction to Procurement at Watford Borough Council (Pages 5 - 34)

Report of the Procurement Manager

A copy of a report on procurement efficiencies and the draft contract procedure rules are attached as background papers.

The Procurement Manager will attend the meeting to give a presentation and take questions.

5. Performance Report (Quarter 4 2015/16) (Pages 35 - 56)

Report of the Partnerships and Performance Section Head

The Panel is asked to note and comment on the performance of the identified outsourced service indicators at the end of quarter 4 (2015/16).

6. Work programme (Pages 57 - 58)

The Panel is asked to review the draft work programme for 2016/17.

Copy of report to Leadership Team

Title: Key Indicator M11 Procurement Efficiencies - Annual report 2015/16

1.0 **SUMMARY**

1.1 Good Procurement practice during the last year has produced revenue savings together with other intangible benefits and real qualitative efficiencies.

2.0 **Decision Required.**

2.1 To note the contents

Contact Officer:

For further information on this report please contact: Howard Hughes,
Procurement Manager
telephone extension: 8370 email: howard.hughes@watford.gov.uk

Report approved by: Head of Democracy and Governance

3.0 **DETAILED PROPOSAL**

3.1 **Background**

This indicator is set against the fact that Council transactions with third parties were circa £33.4 million, incl VAT, during the year. Significant further sums circa £18M were also transacted by Three Rivers DC.

M11 is the WBC indicator for procurement efficiencies and tracked on an annual basis. It is dependant on when contracts are let and what is measured. Savings depend on the benchmark against which they are measured and some savings may be “bankable” while others are notional or intangible but are nevertheless procurement efficiencies. Where cash savings are achieved these are reflected in service budgets.

A focus this year has been on qualitative improvements in specifications and awareness of the marketplace. The measurement of the financial benefits would be helped if pre-tender estimates were prepared more frequently where appropriate by service managers.

Efficiencies and improvements are being achieved across the Authority

with savings being made in every service area. Better specifications are leading to better outcomes. Procurement efficiencies include consequential savings for support services and overhead costs.

The pattern of procurement activity is changing as greater use is made of framework agreements and longer term arrangements considered.

Efficiencies are on-going from earlier procurements, including outsourced contracts. The major outsourced contract with **Veolia** for frontline services from 1st July 2013 continues to run well. Unfortunately the other major outsourced contract for ICT Managed Services has been less successful and that contract is being terminated.

Awareness has been raised and training given of the benefits of pre-tender market engagement. There are clear benefits to understanding the market and preparing specifications that will be of interest to the market, particularly SMEs. A good example this year of early market engagement was an engagement exercise by the **Housing** team to discuss approaches to providing accommodation.

The Corporate Procurement Manager role is part of the Lead Authority model with Three Rivers DC since April 2014. Benefits produced for both councils include more collaborative opportunities, e.g. FM contracts, and increased awareness of common activities and liaison between teams. This is particularly apparent at CMF events where networking is a popular feature.

3.2 **Process and Procedure**

Procedures and processes have been reviewed during the year. The key legislative change has been the transposition of the new EU Procurement Directives into UK law with effect from 26th February 2015. The UK having strongly promoted the changes were the first to enact the legislation which in the UK goes further than required in the Directive as it includes the “Lord Young reforms” to assist SMEs.

Most of the changes were already included in the WBC and TRDC Contract Procedure Rules and other guidance. Process and procedures have been reviewed to ensure compliance with the new legislation. Minor updates to our Contract Procedure Rules are being made.

The Corporate Contract Register and the Procurement Pipeline have been published on time every quarter on the internet site to comply with the

Transparency Code.

The Government is currently consulting on proposed amendments to the Transparency Code. This may include a requirement to publish data in a fixed format to a central source and a recommendation to publish the percentage of procurement spend which goes to SMEs.

The Contract Management Forum has continued to make good progress. In particular it held a very successful Forum event in November 2015 on Commercial Awareness. A follow on session on Contract Management is due in May 2016.

Other training delivered via the CMF during the year include:

- EU Directives
- Framework Agreements
- Use of Consultants
- CDM 2015 awareness
- Specification Writing

The Procurement and Contract Management Toolkit for staff was launched in June 2015. It will be made accessible on-line once the ICT and Website upgrade work is complete.

3.3 **Collaborations and Framework Agreements**

Collaborations continue to make a substantial contribution to procurement efficiencies in terms of process, quality, time and costs with benefits from being part of a larger “critical mass”. Wherever possible procurements include collaboration with TRDC, both councils have benefited from shared procurement activity.

A principal way to collaborate is the use of **Framework Agreements**. Extensive use is already made of these including those let by the Crown Commercial Service (CCS) and ESPO for a wide range of supplies and services, Braintree DC and TPPL agreements for various vehicles, Rotherham MBC for Bailiff Services and the Laser Consortium for Energy supplies.

Energy is provided under an arrangement with the **Laser** consortium, aggregating the energy spend of multiple authorities to deliver energy costs significantly lower than could be achieved independently in a volatile market. The Energy contracts have been re-let for the period to 2020.

The **FM Compliance & Maintenance** framework agreement procured with a number of other DC's across Hertfordshire has been operating well. It is also being used to deliver further FM related work. TRDC are now considering making use of this framework agreement.

WBC continues to manage framework agreements with access for other public bodies to use. The Traffic and Parking **Consultants** has been re-tendered, Civil Engineering Works continues to be well used and the Signs & Lines term has been extended. A new framework has been let for **Built Environment** services including Design, Viability Assessment and Planning Studies. A number of call-off contracts have been tendered and awarded under this framework.

The **Absence Management** framework agreement for HR is proving popular with other LAs and NHS Trusts and is already bringing in an income stream. Early figures suggest a first year income circa £10K which should increase in future years.

Numerous **ICT** tenders have been procured under various CCS framework agreements. These have enabled quick, compliant routes to a complex market. **Payroll** services were re-procured during the year, again under a CCS framework agreement. **Mobile telephony** was retendered as part of an e-auction run by CCS.

An important collaboration with other Hertfordshire Waste Collection Authorities is in place for the disposal of **co-mingled recyclates**. The specification and other documents have been prepared for tendering. Pre-tender market engagement has shown that a combined waste stream should be of more interest to the market.

3.4 **Other Contracts and Services**

A major project tendered during the year was **Cassiobury Park** Restoration. This required a significant post tender "value engineering" exercise to bring the project back within budget.

Website refresh and **Branding** contracts were awarded with successful outcomes reported. **Big Events** procurements, including Skate, Screen and Beach, have been successfully progressed. A ten year concession contract was let for free Town Centre **WiFi**.

The **Grand Union** towpaths project was completed very successfully. A combination of a good procurement and sound contract management

provided a final cost of £319K against an original estimated cost of £345.5K.

Progress has been made with the procurement of Consultants and raising awareness that the same rules apply as to other services. A key consultant engaged is for the re-tender of the **Leisure Centre Management** services.

The **LABV** with Kier remains a key area of work with ongoing advice and support offered but again no response this year.

Efficient procurement is important but good ongoing contract management is essential to a successful contract. A great example of good proactive contract management is shown by the Revs & Bens management of the Bailiff contracts. Provisions were included at the procurement stage to allow contract managers to flex the work between three suppliers depending on contractor performance.

Revs and Bens have reported “This is the first year they were properly managed and the results speak for themselves” Collection figures being:

2014/15 £788,102

2015/16 £974,983

An improvement of 24% or extra income of **£186,881**.

A similar improvement of 26%, an extra £138,918 was achieved for TRDC.

Social Value remains an important element of “policy through procurement”. Service managers are strongly encouraged to include Social value criteria in tender evaluations as far as possible.

Feedback was sent to the Mayor by a local charity in December 2015:

“Following a discussion at the recent Watford Business Expo between our persuasive General Manager, Linda McIntyre, and representatives of Murrill Construction Ltd, I am delighted to tell you that Murrill and its suppliers have quoted the amazing sum of ZERO to carry out the groundworks required as part of installing the so-called POD (relocatable building) which will become known as Watford Workshop’s Learning for Living Centre. As other quotations were upwards of £6,000, you will not be surprised to learn that we have accepted Murrill’s quotation!

Their generosity makes a significant contribution to our efforts to minimise the installation costs and hence improve the affordability of the Life Skills Training and Independent Living Training which we will soon be able to offer to disabled and disadvantaged people from in and around Watford. This makes a very welcome early Christmas present for Watford

Workshop.”

A further recent example is by Borrás Construction who are on site delivering our Cassiobury Park project. They have helped with work in the community project area in the park. Watford Multifaith Group, one of the volunteer groups, are designing their own peace garden in the centre of the project site behind the bowls club. Borrás came along with diggers and excavated and cleared a large area to help the group start landscaping for a labyrinth, as part of their peace garden design. This was done for free as a community contribution and has enabled more of the group’s funds to be spent on planting and other design elements.

3.5 **Targets for 2016/17**

Next year’s targets focus on continuous improvement in procurement processes and the promotion of improved contract management:

The Contract Management Forum to focus on the Contract Management stage. A key element being the May 2016 CMF Forum event.

A review of Risk Management tools available to project and contract managers, following recommendations in recent audit reports, with training events for staff.

CMF review of contract documentation preparation and management.

The review of ICT 3rd Party contracts following implementation of new ICT arrangements and roll out of hardware.

Key procurements related to Regeneration and Development particularly relating to PIPOP and including those for the LABV contracts.

To keep procurement procedures and processes under review including any revisions arising from the Transparency Code, the work of the Contract Management Forum and collaborations with others.

To make the CMF Toolkit easily accessible on-line to staff across both councils.

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Introduction

These Contract Procedure Rules, issued in accordance with S.35 Local Government Act 1972, are intended to promote good practice and public accountability.

Officers responsible for purchasing or disposal must comply with these Contract Procedure Rules (the Rules). Compliance is the best defence against any allegation that a procurement has been made incorrectly or fraudulently. These are minimum requirements and more detailed procedures may be appropriate for particular contracts. Where there is a requirement for communication to be in writing, this shall include e-mail and fax as well as hard copy. In summary you must:

- Comply with the Rules for all procurements and disposals except where explicitly exempted.
- Comply with the principles of Transparency, Proportionality, Equal Treatment and Non-Discrimination.
- Act with the highest standards of probity and integrity
- Take all necessary legal, financial and professional advice.
- Declare any personal financial interest or other conflict of interest.
- Conduct a Best Value review and appraise the procurement need.
- Comply with the Council's corporate aims, objectives and policies.
- Check if there is an existing Corporate Contract or Framework Agreement to use
- Ensure tender documents give a full, clear and accurate description of the work.
- Clearly specify the exclusion, evaluation, selection and award criteria and their weighting.
- Keep commercial information confidential.
- Notify unsuccessful bidders of why the decision was taken, the name of the successful bidder and the relative advantages of its bid, or of any decision not to award the contract.
- Complete a formal Contract or issue an Official Purchase Order before the supply, service or works begins.
- Add the Contract details to the Council's Contract Register
- Assess the Contract Management skills available and identify any training needs and support required.
- Identify a contract manager with responsibility for ensuring the contract delivers as intended.
- Maintain proper Contract Management records..
- Undertake a post-contract review to monitor performance, how well it met the procurement need and the Value for Money.

The Rules are part of the Council's Constitution. They apply directly to every employee of the Council involved in any part of a procurement process. They apply equally to any partnership the Council may enter into and to contracts in respect of which the Council may nominate sub-contractors or suppliers.

The Rules must be followed by the Council, the Cabinet (including Cabinet Portfolio Holders) and by Agents, Consultants, including architects and engineers, and Public Private Partners, acting for or on behalf of the Council. These Rules apply to contracts involving the receipt of income as well as expenditure and to Concessions.

In accordance with the Constitution, the Director of Finance may amend these Rules after consultation with the Head of Democracy & Governance and the Audit and Risk Managers.

If you are in doubt about whether these Rules apply to a contract or proposed contract, about their meaning or how to apply them, consult:-

- (a) Your Manager.
- (b) The Corporate Procurement Manager.
- (c) The Head of Democracy & Governance.
- (d) Director of Finance
- (e) Internal Audit Service.

Procurement refers to the whole process relating to the purchase, acquisition or commissioning of Works, Supplies and Services. One definition is: Procurement is the business management function that ensures identification, sourcing, access and management of the external resources that an organisation needs or may need to fulfil its strategic objectives.

Contracts

Contracts are legally binding agreements and in English law they do not need to be in writing. In simple terms a contract is formed when an offer, to do or to supply something for another party, is accepted by the party to whom the offer was made. Contracts may be formed in writing, by word of mouth, or by performance. Care must be taken when communicating, verbally or in writing, with bidders. You must only enter into contracts on behalf of the Council where there is current budget provision.

Relevant Contracts

All Relevant Contracts must comply with these Rules, these include arrangements made by or on behalf of the Council for the:

- Supply of goods, materials or Services and the carrying out of Works
- Disposal of goods, materials, plant, vehicles or equipment
- Hire, Rental or Lease of goods, plant, vehicles or equipment
- Granting of Concession Contracts
- Delivery of Consultancy, Advisory and other Services, including but not limited to those related to the recruitment of staff, land and property transactions, legal, financial, construction and other consultancy services.

Relevant Contracts do not include:

- Contracts of Employment which make an individual a direct employee of the Authority. For the avoidance of doubt the Rules do apply to contracts with agencies or companies for the employment of staff.
- Acquisition and disposal of Land. For the avoidance of doubt the Rules do apply to advice and other services taken in relation to the disposal of land.

Officer Responsibilities

Officers responsible for purchasing or disposal must:

- Comply with these Rules, the Financial Procedural Rules, the Code of Conduct for employees, other Council policies and all UK and European Union legal requirements.
- Ensure that any Agents, Consultants and Partners acting for or on behalf of the Council comply with these Rules.

- Check if a suitable Corporate Contract exists before seeking to procure another contract; where a suitable Corporate Contract exists, this must be used unless there is a sound business case not to do so. In that event the reasons must be documented and approved by the relevant Head of Service.
- Consult the participating Councils in the shared service partnership on any opportunity to aggregate demand for more efficient procurement where a new procurement requirement is identified
- Consider Collaborative Procurement opportunities with other Authorities, particularly other Councils in Hertfordshire.
- Assess if a Contract may have the consequence that any employee of the Council or of a current service provider might be affected by any transfer of the work or undertaking. Officers must ensure that the implications of the Transfer of Undertaking (Protection of Employment) Regulations (TUPE) are assessed. The advice of the Head of Democracy & Governance must be sought in any case involving the TUPE Regulations before proceeding with the procurement.
- Assess if the Construction (Design and Management) Regulations 2015 (CDM), which places legal duties on those involved in construction work, apply.
- Consult with and receive the approval of Head of ICT for all ICT Hardware and Software procurements, including licences, printers, telephony and ICT accessories.
- Consult with and receive the approval of Head of HR for all procurements involving the recruitment, appointment or employment of agency, self employed or contract staff. Such contracts must also be recorded on the Contract Register.

Officer Requirements

- Assess the most appropriate procurement route to achieve Best Value. Including in-house provision, using an existing contract, external procurement, Partnering, collaborative procurement with other local authorities, public body or purchasing consortium or use of an existing Framework Agreement let by others.
- Prepare a pre-tender estimate of the value of the supplies, services or works.
- Set out a clearly defined Specification for the supply, services or works with reference where necessary to appropriate standards etc.
- Clearly set out the Terms and Conditions, or Conditions of Contract that are to apply to the proposed contract. These include any Special Conditions of Contract where a standard form of contract is used. An example of a standard form of contract is the NEC3 Suite of contracts which are the preferred form for relevant Works and Professional Services.
- Consider how SME's and / or the 3rd Sector could engage with the procurement.
- Define clear Evaluation (selection and award) Criteria and their weightings for each stage of the procurement process.
- Ensure there is appropriate approval or delegated authority for the expenditure and the procurement accords with the approved policy framework and scheme of delegation set out in the Constitution.
- Carry out appropriate credit checks and observe any requirements for a surety.
- Observe any Standstill or "Alcatel" period as appropriate for procurements above the EU Thresholds.
- Publish an Award Notice if appropriate both OJEU and on the Contracts Finder website

Head of Service Responsibilities

Heads of Service must ensure that:

- their staff comply with their Officer responsibilities
- The Contract Register is up to date and that copies of all contract documents are kept safe and accessible. Electronic copies are acceptable for lower value contracts but an additional hard copy of all major contracts must be retained for safekeeping.
- any Exemptions are recorded.
- contract records are retained in accordance with the Council's Document Retention policy.
- The Corporate Procurement Manager is informed of all contracts that are awarded and that copies of all procurement and contract information are made available.

Exemptions

- Acquisition or disposal of Land:

These Rules do not apply to the acquisition or disposal of Land except where a lease or licence is granted as a part of a principal contract for other Works, Supplies or Services.

- Unforeseeable emergency:

Where exemption from these Rules is unavoidable due to an unforeseeable or emergency event involving immediate risk to persons or property or likely to give rise to major or serious disruption to the Council's services, a Head of Service and the Managing Director may jointly approve an exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken. Urgency caused by undue delay will not be a valid reason for an exemption.

- Exceptional Circumstances:

An exceptional circumstances exemption may be jointly approved by a Head of Service and the Managing Director in limited and exceptional circumstances. This applies at the Managing Director's discretion and only below the EU thresholds examples of which may include but not be limited to:

- Events which may involve significant risk to a key contract, for example where a key supplier goes into Administration or Receivership
- Situations which may cause significant disruption to a Council service
- Extensions of or additions to existing contracts where demonstrable benefits and clear savings can be shown
- Single tender action or use of a substitute contractor from the original tender responses to complete a contract or part of a contract
- Short term provisions to enable more effective and efficient procurement to be undertaken
- Other circumstances where clear synergies with existing services can be evidenced or where supported by substantial market research

They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Limited market:

A partial exemption may apply where a supply or service is only obtainable from a single or a very limited number of contractors. In such a case, evidence of the limited market must be provided, such

as by public advertisement or detailed market research. A Head of Service and the Managing Director may jointly approve a partial exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- **Prior approval:**

Other than as specified above no exemption from these Rules shall be made unless prior approval has been granted at a Cabinet meeting. Cabinet cannot authorise an exemption where the value of the contract would exceed the EU threshold or in non-compliance with the PCR2015.

Record of Exemptions – Heads of Service must ensure that full details of approved waivers and exemptions are recorded in a central register held by the Corporate Procurement Manager on behalf of the MD.

E-Procurement

Electronic procurement systems simplify the tender process, reduce the bureaucratic burden for suppliers, make it easier to tender, improve smaller organisations' ability to bid and allow shorter tender periods.

All procurements above a value of £5,000 must be procured via the Council's e-procurement portal, unless a specific exemption has been agreed by the Head of Service.

The e-procurement portal is designed to simplify the procurement process, to make the process more secure and auditable and to improve accessibility to procurement opportunities for potential suppliers.

Opportunities should be openly and widely publicised. The portal enables links to the UK Government's "Contracts Finder" website and to the Official Journal of the European Union (OJEU) / Tenders Electronic Daily (TED). Officers may also place adverts in the local press or specialist journals if appropriate in addition to that posted on the portal.

Advice on using the portal should be taken from the Corporate Procurement Manager.

Records

Contract records must be retained in accordance with the Council's Document retention policy and where relevant should include:

- Details of any exemptions granted
- Pre-procurement market testing / research
- The procurement route used
- Tender Adverts / Notices
- Pre Qualification Questionnaires (PQQ's) and expressions of interest received
- The evaluation criteria used and the evaluation record based on those criteria
- Credit checks and records of economic and financial standing
- Invitations to Tender and tender documentation
- Tenders received and tender records and registers
- Pre and post tender clarifications and, where relevant, records of dialogue and /or negotiation.

- The award criteria and the evaluation record based on those criteria
- Records of communications with the successful contractor
- Details of feedback given to successful and unsuccessful bidders
- Standstill / Alcatel letters
- Contract documents
- Regulation 84 reports
- Contract Management records
- End of Contract Reviews

Approved or Standing Lists of Suppliers

The Council does not maintain Standing or Approved Lists of Contractors or Suppliers. Approved Lists cannot be used where PCR2015 Regulations apply.

Where recurrent transactions of a similar type are likely a suitable framework agreement, or term contract, should be used. The framework agreement must include terms for calling off supplies, services or works from the framework supplier(s). A Framework Agreement may be with a single supplier or have two or more suppliers on the list. Additional suppliers cannot be subsequently added to a framework agreement.

A formal and approved register of pre-qualified Contractors and Consultants maintained by or on behalf of the public sector (e.g. Construction line) may be used for the selection of a shortlist where appropriate. Any contractors or consultants from such a register must be assessed against the selection criteria published for the procurement.

It is not acceptable to use a random selection facility as available on some of these registers as this is not a substitute for the proper evaluation and selection of contractors and consultants, against a set of pre determined evaluation criteria, despite the pre-qualification stage achieved by inclusion on the register.

Framework Agreements and Collaborative Procurements

A Framework Agreement is a contractual arrangement with one or more providers that set out terms and conditions under which specific or call-off purchases or contracts can be made at any time throughout the term of the framework agreement. The term of a Framework Agreement should not exceed four years. A call off contract may be for longer than four years and can exceed the term of and survive beyond the end date of the framework agreement.

Call-off contracts formed under a Framework Agreements must be awarded in accordance with the procedure prescribed in the Framework Agreement. Where there is more than one provider under the framework it is usually necessary to hold a mini competition. The Council's Rules apply to a mini competition in the same manner as all other procurements.

Framework Agreements to which the Council has access may be let by another body e.g. the Government Crown Commercial Service (CCS), another Local Authority (LA) or a consortium of LA's e.g. Eastern Shires Purchasing Organisation (ESPO).

Officers proposing to use a Framework Agreement must check that:

- The Framework Agreement has been let in full accordance with these Rules and where appropriate EU Regulations.

- The Council has the right to use the Framework Agreement.
- The procedures for call-offs or mini-competitions under the agreement accord with these Rules.

Officers proposing to use a Collaborative arrangement with other parties e.g. other Local Authorities to jointly procure works, supplies or services must check that:

- The collaborative procurement contract has been let in full accordance with these Rules and where appropriate the Public Contract Regulations (PCR2015).
- The Council is a member of the collaboration or consortium and has the right to use the contract.
- The procedures for using the contract accord with these Rules.

Collaborative and Partnership arrangements are subject to the same procurement legislation and must follow the Council's Rules. If in doubt, Officers must seek the advice of the Corporate Procurement Manager.

Competition Requirements

The requirements relate to the Estimated Total Value of the procurement:

The Value of a Contract is the total value over the whole potential duration of the contract including any possible extension to the term of the contract. Where the duration is uncertain a minimum of four years shall be assumed. The value of a framework agreement is the value of all the potential call offs that may be made by all contracting bodies permitted to use the framework. The value of a concession is the total potential gross income or other assessment of value to the contracting parties. If in doubt, Officers must seek the advice of the Director of Finance.

Minimum requirements:

Thresholds excl VAT	Minimum requirements
Less than £5,000	One written quotation demonstrating value for money through a combination of cost and quality. More than one quote is preferred and should be sought where appropriate.
Greater than £5,000 – EU Threshold	Public advertisement of the requirement and, except where the Open procedure is used, invite Tenders from at least three and usually no more than six bidders.
Above EU Threshold	Advertise and follow PCR2015 procedures and, except where the Open procedure is used, invite Tenders from at least five and usually no more than six bidders.

All tender opportunities should be advertised to comply with the principle of transparency.

Where it can be demonstrated that there are fewer suitably qualified bidders to meet the competition requirement, all suitably qualified Candidates must be invited. The Head of Service and the Corporate Procurement Manager must be consulted in such cases.

If more than one contractor is to be appointed, for example to a framework agreement or if a contract is split into Lots, the number of bidders invited to tender may be increased to more than six.

Contracts must not be disaggregated nor methods of calculating the Estimated Total Value used in order to undermine the intention and application of these Rules or the Regulations.

The normal procurement procedure to be used shall be the Open Procedure. Officers shall consult the Corporate Procurement Manager and / or the Head of Democracy & Governance if the Restricted or other procedures are proposed.

Assets for Disposal

Assets (excluding land) for disposal must be sent to public auction except where better Value for Money is likely to be obtained by inviting Quotations or Tenders. The method of disposal of surplus or obsolete stock, plant, vehicles and equipment or assets, other than land, must be formally agreed with the Director of Finance.

Providing Services to External Purchasers

The Director of Finance and the Corporate Procurement Manager must be consulted where proposed contracts include supplies to or work for or on behalf of other organisations.

Appointment of Consultants

The procurement of Consultants, including solicitors, architects, engineers, surveyors and other professionals, must comply with these Rules. Any Consultant appointed who acts for or on behalf of the Council must also comply with these Rules. A written contract, or appointment in the form of a formal letter or Purchase Order for values below £25,000, must be used. A standard Professional Services form of contract, such as in the NEC3 Suite, should be used where appropriate.

Records of consultancy contracts must be maintained in the same manner as all other contracts and shown on the Contract Register.

Consultants must be required to provide evidence of, and maintain, Professional Indemnity insurance to the satisfaction of the Council's Insurance Officer.

Pre-Procurement Engagement or Soft Market Testing and Research

Pre-procurement engagement is a range of activities to engage with the market before starting a procurement process and may include a technical dialogue to inform a specification. Engaging with the market before starting the formal procurement process is best practice and helps to maximise value for money from the resulting procurement. (PPN04/12)

Officers should consider pre-procurement consultations with potential suppliers prior to the start of any part of the formal procurement process including a Tender Advert or Notice. Care must be taken not to prejudice the equal treatment of potential suppliers or to distort potential competition. Advice on pre-procurement strategies should be sought from the Corporate Procurement Manager.

Insurance

Insurance requirements must be clearly specified in the contract. The Council's Insurance Officer will advise on the minimum limits of indemnity required for each contract. Prior to entering into a contract Officers must require the contractor to produce current insurance certificates in respect of

Employers' Liability and Public Liability risks and for Professional Indemnity where appropriate for such limits and for such periods as are specified by the Council's Insurance Officer. The Contractor must be required to produce up to date Insurance Certificates at each subsequent renewal date during the term of the contract.

Specifications, Standards and Evaluation Criteria

Specifications must set out the minimum required standards of technical and professional ability and reliability. Specifications must refer to relevant UK, EU or international standards which apply to the subject matter of the contract. The Head of Democracy & Governance must be consulted if it is proposed to use other than UK or EU standards.

Tenders should be assessed on the basis of the Most Economically Advantageous Tender (MEAT), where Quality and Price considerations both apply. In minor or exceptional cases bids may be invited on a lowest price (where payment is to be made by the Council) or highest price (if payment is to be received by the Council).

The Officer must define and publish appropriate Price and Quality Evaluation Criteria and their respective weightings.

Quality Evaluation (selection or award) criteria may include experience, technical merit, programme and delivery proposals, environmental matters, social value, added value, whole life costs, innovative, aesthetic and functional characteristics, health and safety, after-sales service and response, technical assistance, CV's of key staff, accreditations, approach to collaborative working or partnering with a Local Authority and any other relevant matters.

Evaluation Criteria must not include non-commercial considerations or geographic limits which might discriminate against suppliers from the EU. It is acceptable to require submissions to be in English and priced in Pounds.

Accreditations should be considered where appropriate and relevant but must not be a substitute for other checks and due diligence. These should not be required or assessed in a manner that may inadvertently disadvantage potential providers, for example, SMEs, public service mutuals or third sector organisations.

Financial Assessment and Vendor Capabilities

Financial assessment of potential providers should be undertaken in a manner that is proportionate, flexible and not overly-risk averse while ensuring taxpayer value and safety is protected and relevant Procurement Law complied with. All potential providers, whatever their size or constitution, should be treated fairly and with equal diligence during the financial appraisal process. For example: no SMEs, public service mutuals or third sector organisations should be inadvertently disadvantaged by the financial assessment process (PPN 02/13)

Due diligence must be carried out to ensure that the vendor has the necessary skills, resources and abilities to undertake the work. The due diligence must be proportionate to the nature and scale of the work proposed. This includes checking the credentials of sub-contractors where appropriate.

Social Value

Social value is the consideration of how procurement might offer social, economic or environmental benefits to the community.

The Public Services (Social Value) Act 2012 applies to certain types of services contracts and framework agreements but it is good practice to consider these principles for all procurements. The requirement is to consider the economic, environmental and social benefits of the approach to the procurement before the process starts and to consider whether there is a need to consult on these issues.

The Act applies to the pre-procurement stage of contracts for services as that is where social value can be considered to greatest effect. This should inform the shape of the procurement approach and the design of the services required. It should enable a re-think of the outcomes and the types of services to be procured. (ref PPN 10/12)

The potential interest of Small and Medium Size Enterprises (SME's) and the 3rd Sector should be considered when assessing the shape of the procurement approach and the design of the Supplies or Services required. This may also include ways to cascade good practice down the supply chain.

Contracts should ensure that the principles of these Rules including the need for market testing and the provision of Value for Money is cascaded down the supply chain. The Council expects good practice to be in place to ensure a fair selection of sub-contractors, appropriate terms and conditions and prompt payment of monies due.

Past Performance

The Council is entitled to establish minimum standards for reliability based on past performance which must be met by potential bidders for public contracts (PPN09/12). To provide assurance about performance and protection for the taxpayer and recipients of the services, procurements should include minimum standards for reliability based on past performance.

It is good practice to request specified information, which may include certificates of performance, about past performance in the last 3 years to establish that:

- the principal contracts of those who would provide the goods and / or services have been satisfactorily performed in accordance with their terms; or
- where there is evidence that this has not occurred, that the reasons for failure will not recur if that bidder were to be awarded the relevant contract.
- A due diligence process can be carried out to assess the contractors understanding of contracting with the public sector and their approach to contracting / partnering with the Council where appropriate.

If the evaluation panel remains unsatisfied that the principal contracts of those who would provide the goods and / or services have been satisfactorily performed, it should exclude that bidder on the grounds that it has failed to meet the minimum standards of reliability set.

Public Sector Equality Duty (PSED)

Officers must ensure compliance with the Council's legal obligations under the Equality Act 2010 and its associated Public Sector Equality Duty with due regard to the three aims of the duty:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

Officers must ensure that public goods and services are accessible to, and meet the diverse needs of all users to ensure that no one group is disadvantaged in accessing public goods and services. Procurements must meet the Fundamental principles of equal treatment, non-discrimination, transparency and proportionality (PPN09/12 and 01/13).

Invitations to Tender (ITT's) / Requests for Quotations (RFQ's)

Pre-Qualification Questionnaires (PQQ's) may only be used in limited circumstances. Where used, the aims are to select a list of suitably competent and qualified bidders and to reduce the number of bidders to an appropriate and manageable number using pre-published evaluation criteria.

The criteria may include pass / fail mandatory and discretionary criteria. Where the capability of an individual(s) is essential to the delivery of the contract, for example, the provision of consultancy, CV's should be requested and assessed. PQQ's should not impose arbitrary minimum requirements which may have the unintended effect of barring new or small businesses from bidding.

Officers should undertake a financial check as part of the evaluation process but, in the spirit of encouraging supplier growth, should not rule out a supplier unless there is clear evidence that the supplier's financial position places public money or services at unacceptable risk. The Director of Finance must be consulted in all cases of doubt.

The Notice or Advert and the Invitation to Tender shall state that late submission, of an Expressions of Interest or of a Tender will not be accepted. Submissions must be received by the due time and date. Any appeals for consideration of a late submission, due for example to a default by the Council, may only be considered by The Head of Democracy & Governance and / or the Corporate Procurement Manager.

Where late submissions are received, including by e-mail, other than via the procurement portal they shall be opened only by The Head of Democracy & Governance, or representative, or the Corporate Procurement Manager. No details of the late submission shall be disclosed.

An Invitation To Tender should set out full details of the Council's requirements. An ITT may allow the submission of Variant bids to allow for supplier innovation.

An Invitation To Dialogue should set out an overview of the Authority and its needs; a starting position from which the dialogue can commence and how the dialogue will be structured together with any rules that apply to the dialogue phase.

All Invitations to Tender shall include the following:

- (a) A Specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers.
- (b) The Terms and Conditions of Contract that shall apply.
- (c) A Certificate of Non- Collusion for tenderers to declare that they have not colluded with any other party nor disclosed details of their submission to any other party (except where such a disclosure is in confidence and necessary for the purposes of preparing their submission).
- (d) A Form of Tender in the prescribed format for bidders to sign and confirm their bid price.
- (e) An Equality and Diversity questionnaire.
- (f) Notification that bidders must disclose any actual or potential conflict of interest.
- (g) Notification that bidders are responsible for all their costs of preparing a submission and that no costs will be reimbursed by the Council.
- (h) Details of the Evaluation Criteria with their relevant weightings and the methodology for scoring those criteria.
- (i) That submissions must be made via the Council's e-procurement portal unless otherwise agreed.
- (j) Where submissions are made other than via the procurement portal, notification that no Tender will be considered unless it is in a sealed envelope or container which bears the word 'Tender' followed by the subject to which it relates, with no other name or mark indicating the sender.
- (k) The method by which any arithmetical errors discovered in the submitted Tenders are to be dealt with.
- (l) A statement that the council is not bound to accept the lowest or any Quotation or Tender.
- (m) Advice that the Authority is subject to the obligations of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Government's Transparency Code 2014 and that the final decision on publication or disclosure of any information shall remain with the Council.
- (n) Advice that Credit checks and records of economic and financial standing may be sought.

All bidders invited to tender or quote must be issued with the same information at the same time and subject to the same conditions. This also applies to any supplementary information or clarification given during the tender period.

Nominated Sub-contractors and Suppliers

These Rules apply to nominated sub-contractors and suppliers. Officers should avoid the use of nominated sub-contractors and suppliers as far as practicable. If a nominated sub-contractor or supplier is to be considered, Officers must take advice from the Head of Democracy & Governance.

The invitations to tender (ITT) for contracts involving Nomination must include a clause to require the parties to enter into contract on terms relevant to the indemnities and obligations of each party as required by the Head of Democracy & Governance.

Short listing

Where bidders are evaluated for short listing or for the award of a contract Officers must assess the financial and technical standards appropriate to the contract. Assessments must be made in accordance with the published Evaluation Criteria. This includes having regard to the Proportionality Rule in relation to the size and resources of a company relative to the value of the contract.

Submission, Receipt and Opening of Tenders or Quotations

Tender periods must be sufficient for bidders to prepare and submit proper bids consistent with the complexity of the contract requirements.

All Tenders must be returned via the procurement portal or, where that doesn't apply, to the Head of Democracy & Governance or the Corporate Procurement Manager.

All tenders for contracts for £5,000 or more must be opened at one time by, or in the presence of, the Head of Democracy & Governance, or nominated officer, or the Corporate Procurement Manager.

The Officer nominated to receive the tenders shall be responsible for the safekeeping of Tenders until the appointed time of opening. Each Tender must be suitably recorded to verify the date and precise time it was received, adequately safeguarded against amendment of its contents. The procurement portal is compliant with this requirement.

The Officer nominated to receive the tenders must ensure that all Tenders are opened at the same time as soon as practicable after the period for their submission has ended. They must ensure that the the bids received are recorded on the Tender Record Form.

Clarifications and Negotiations

Providing clarification during a tender period is permitted. It must not be in the form of any negotiation and must be made in writing to all bidders. Where any verbal discussion is entered into any clarification given must be confirmed in writing and copied to all bidders.

Where bidders do not want information shared with other bidders, as that might for example indicate a bidding strategy, they should be invited to withdraw their clarification question before any answer is given. If an answer is given it must be shared with all the other bidders.

Post tender negotiations, between submission of bids and contract award, are not permitted. An exception is where a Negotiated or Competitive Dialogue procedure has been used. In such cases the rules relating to the negotiations must be clearly set out in the tender documents and those negotiation rules must provide for:

- (i) The requirements of relevant UK legislation, these Rules and good practice guidance.
- (ii) Written approval of the Head of Democracy & Governance or the Managing Director.
- (iii) The documentation sent out to prospective bidders stating that negotiation may take place and the basis upon which such negotiation would be held

Post-tender negotiation must only be conducted in accordance with the guidance issued by The Head of Democracy & Governance who, with the Corporate Procurement Manager, must be consulted wherever it is proposed to enter into post-tender negotiation.

The circumstances under which such negotiations may be considered are where:

- (i) High levels of innovation are required as part of the tender solution
- (ii) The new contract will involve radical changes from existing practices
- (iii) There are a number of alternative proposals or solutions that the Council is considering

- (iv) The specification has a number of alternative packages or elements
- (v) Variant bids are shown as acceptable in the Notice and negotiations relate to variant bids.

If post-tender negotiations are necessary then such negotiations shall only be undertaken with the preferred bidder who is identified as having submitted the Most Economically Advantageous Tender and after all unsuccessful bidders have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents.

Negotiations must be conducted by a team of at least two Officers, one of whom must be from a service independent of that leading the negotiations. The independent representative can be a representative from another council if the tender is a collaborative procurement.

Officers appointed by the Head of Service to carry out any post-tender negotiations must ensure that they keep full and accurate records and minutes of all negotiation meetings and discussions and that any actions and outcomes are confirmed and agreed in writing by both parties.

If post-tender negotiation results in a fundamental change to the specification or to the terms of a contract the contract must not be awarded. A fundamental change from the work tendered must be re-tendered. The advice of The Head of Democracy & Governance and the Corporate Procurement Manager must be sought before concluding any post-tender negotiations.

Evaluation, Selection, Award and Feedback

The confidentiality of Quotations, Tenders and the identity of bidders must be observed at all times. Information about one bidder or their response must not be given to another bidder except as provided in these Rules.

Evaluation and Moderation panels must comprise a minimum of two Officers. The procedures to be used by the panels, including the Interview panel if an interview stage is included in the process, must be set out in advance of the receipt of submissions.

If an Interview stage and / or a Best and Final Offer (BAFO) stage is included in the process the procedures for them must be clearly set out for bidders in the bid documents. The published arrangements cannot be revised post tender submission.

Contracts must be evaluated and awarded by the panels in accordance with the published Evaluation (selection and award) Criteria. Neither criteria nor weightings can be revised post tender submission.

Officers shall compare submitted Tender prices with any pre-tender estimates and examine and explain any discrepancies.

The arithmetic in compliant Tenders must be checked. If simple arithmetical errors are found they should be corrected and the bidder notified. The bidder must be given the opportunity to stand by or withdraw the corrected bid.

The Officer responsible for the evaluation panel and moderation must prepare a Section 84 Public Contracts Regulations 2015 report setting out the reasons for the selection, having regard to the evaluation criteria, and the reasons for rejecting the unsuccessful tenders.

Where the Total Value is over £5,000, the Officer must notify all bidders at the same time of the intention to award the contract to the successful bidder.

Where the Public Contract Regulations apply, the Standstill or “Alcatel” period of at least ten days must be observed. The Regulations require a formal letter containing prescribed information to give unsuccessful bidders time to challenge the decision before an award. If the decision is challenged the award of contract must not be made and the advice of The Head of Democracy & Governance and the Corporate Procurement Manager must be sought.

Where the Total Value is over £5,000 feedback must be offered to all bidders and potential bidders including those not short listed at a PQQ stage. The advice of The Head of Democracy & Governance and / or the Corporate Procurement Manager should be sought although the feedback must include:

- The Evaluation Criteria and how they were scored for their submission
- The characteristics and relative advantages of those short listed at a PQQ stage. Details that could identify those short listed must not be disclosed.
- The name of the successful bidder(s)
- The reasons for the award decision and the characteristics and relative advantages, , of the successful bidder(s).
- When the standstill period is due to end.

Avoiding Challenges

Challenges are increasing for public sector procurements with the most likely challenges being from unsuccessful bidders challenging the evaluation process. This risk of challenge should be reduced by:

- publishing the process and timings for issuing the ITT and supporting documentation, dealing with clarifications, receiving bids and placing contracts, and adhering to the process.
- Providing all the relevant Procurement Documents when the notice is published
- making sure that evaluation criteria, sub-criteria and weightings are clearly linked to the work required and published in the ITT.
- using a clear and objective marking scheme (e.g. the reasons for awarding 6 points rather than 5 are clear to bidders and to evaluators)
- maintaining an audit trail during the process, to help explain why a bid was unsuccessful and to defend any challenges raised.

The key principles are that criteria must be reasonable, proportionate, transparent and relevant to the goods, works or services being procured. Objective criteria should be clear, verifiable and targeted with measurable outputs. Subjective criteria should clearly define the basis on which any value judgements would be based. All criteria must be fair and not involve any discrimination, including a level playing field for non-local bidders, to ensure compliance with the Public Contract Regulations.

Contracts

All Contracts must be in writing and held in accordance with these Rules and, irrespective of value, must clearly specify:

- what is to be done or provided (i.e. the Works, materials, Services, Supplies, matters or things to be done or provided)

- the provisions for payment (i.e. the price to be paid and when and details of any indexation)
- the time, or times, within which the contract is to be performed
- the provisions for the council to terminate the contract.

The Council's Official Purchase Order form, the Council's standard Terms and Conditions or a standard Form of Contract issued by a relevant professional body (e.g. NEC3) must be used as appropriate. The form of contract must be approved by the Head of Democracy & Governance.

In addition, every Contract over £5,000 must also state clearly as a minimum:

- That the contractor may not assign or sub-contract without prior written consent
- Insurance requirements
- Health and Safety requirements
- Data Protection requirements
- Equality and Diversity requirements
- Freedom of Information Act and Environmental Information Regulations requirements
- TUPE requirements
- That those acting for or on behalf of the Council must comply with the council's Contract Procedure Rules
- A right of access to all relevant documentation and records of the contractor for monitoring and audit purposes.
- VAT and other tax requirements.
- The Requirements for a Bond and / or Parent Company Guarantee.
- Prevention of Corruption requirements.
- Any Indexation or Price variation details or if no variation of Rates or Prices applies.

The formal advice of the Head of Democracy & Governance must be sought for contracts where:

- The Total Value exceeds the EU Thresholds
- The Risk is outside acceptable parameters
- They involving leasing arrangements
- It is proposed to use a supplier's own Terms and Conditions of Contract
- They are complex in any other way.

Indexation and price variation Clauses

The advice of the Director of Finance must be sought on any indexation clauses and the indices to be used, e.g. CPI. Where an indexation clause is used consideration should be given to an efficiency factor, e.g. less 1% p.a., to encourage Best Value and continuous improvement during the term of the contract.

Price variation clauses should allow for any potential variation in the scope or scale of goods, works or services to be provided during the term of the contract. This may be in consequence of other factors e.g. a variation in the number of service users where another service has been outsourced.

Forming of Contracts

Formal contracts must be formed for contracts with a value greater than £25,000. Below this threshold an Official Purchase Order may be placed but it must include full details of the supply, service or works to be delivered and the Terms and Conditions that apply to the Order.

Contracts must be in a form approved by the Head of Democracy & Governance. An industry standard may be used subject to the additional clauses being added to meet the requirements of these Rules and to protect the Council's interests.

Every contract must specify the work, goods, supplies and services to be provided, the price and charging basis including any indexation, and the time in which the contract is to be performed.

Extension of contracts

A Contract may be cumulatively extended by up to 50% of the initial contract value. Contracts should include suitable clear, precise and unequivocal clauses to enable contracts to be extended or amended. The revised total value of a contract initially let below the EU Threshold must not exceed that Threshold value. The Head of Service, for contract extensions up to £25,000, and jointly with the Managing Director for greater values, may approve a contract extension. They must inform the relevant Portfolio Holder and, for values greater than £25,000, make a report to the next Cabinet meeting on the action taken.

Contract Formalities

Contracts not under Seal, including Purchase Orders, shall be completed as follows, subject to the relevant Scheme of Delegation:

Up to £50,000 - Signature by any one of the following: Head of Service or authorised representative; Head of Democracy & Governance; Managing Director; Director of Finance.

Above £50,000 (Excluding Sealing) Signature by any two of the following: Head of Service; Head of Democracy & Governance; Managing Director; Director of Finance.

Where risk and high value are relevant contracts should be under Seal subject to the advice of the Head of Democracy & Governance.

All contracts should be concluded formally in writing before the Supply, Service or Work begins, except in exceptional circumstances, and then only with the written consent of the Head of Democracy & Governance or Managing Director. An award letter or an intention to award letter is insufficient.

The Officer responsible for securing signature of the contract must ensure that the person(s) signing for the other contracting party has / have authority to bind it.

All contracts for the purchase of motor vehicles or mechanical plant irrespective of value must be in writing and must be signed by the Head of Service and at least one of the following: the Managing Director; the Director of Finance; the Head of Democracy & Governance (or their authorised representatives).

Sealing

A contract must be sealed where:

- The council may wish to enforce the contract more than six years after its end
- The contract is valued at more than £150,000

Where contracts are completed by each side adding their formal seal, such contracts shall be signed by the Head of Democracy & Governance or authorised nominee.

Every Council sealing will be consecutively numbered, recorded and signed. The seal must not be affixed without the proof that the appropriate authority to enter the contract has been obtained under the scheme of delegation.

Contract Surety

The Officer must consult the Director of Finance about the need for a Parent Company Guarantee (PCG), preferably from the Ultimate Parent Company, where a bidder is a subsidiary of a parent company and:

- The Total Value exceeds £150,000, or
- The award is based on the evaluation of the parent company, or
- There is some concern about the stability of the bidder.

The Officer must consult the Director of Finance about the need for a Bond where:

- The Total Value exceeds £1,000,000, or
- It is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the bidder.

Where a Bond is required it shall normally be for a sum equal to 10% of the total contract sum. The decision of the Director of Finance on the need for a PCG and / or the need for and the size of a Bond is final.

Remedies for non-performance

Contracts must include provisions for remedies in the event of non-performance including liquidated damages, other financial deductions and termination of the contract.

Every Contract which exceeds £50,000 in value and is for the execution of Works, shall provide for liquidated damages to be paid by the Contractor in respect of any delay in performing such work. This shall not apply where the Director of Finance determines that such remedy is not appropriate or necessary for a particular contract.

Prevention of Corruption

Everyone involved in a procurement process as employees or for or on behalf of the Council must comply with the Code of Conduct on the prevention of corruption. They must not invite or accept any gift, inducement or reward in respect of the evaluation, award or performance of any contract.

Any offer of a gift, inducement or reward must be declared whether or not it was accepted. High standards of conduct and probity are required. Corrupt behaviour is a criminal offence and may lead to dismissal.

Cartels are a potential concern and are a breach of competition law. They can influence the price paid for goods and services by the Council. Any suspicions about such activities must be reported to the Head of Democracy & Governance and the Director of Finance.

The following clause must be put in every written Council contract:

“The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor’s behalf do any of the following things:

- (a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done), or
- (b) commit an offence under the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972, or
- (c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.

Any clause limiting the Contractor’s liability shall not apply to this clause.”

Declaration of Interests

If it comes to the knowledge of a Councillor, an Employee of the authority or anyone acting as an Agent for or on behalf of the Authority that a contract in which he or she has a personal interest has been awarded or is proposed to be entered into by the council, he or she shall immediately give written notice to the Head of Democracy & Governance.

The Head of Democracy & Governance shall maintain a record of all declarations of interests notified by Councillors and Officers.

The Head of Democracy & Governance will ensure that every councillor signs and receives a copy of the Council’s Code of Conduct for Councillors.

Contract Management

All contracts must have a named contract manager, nominated by the Head of Service, for the entire duration of the contract.

The Head of Service must keep under review the skills and experience required and available for the good management of the contract.

Risk Assessment and Contingency Planning

Where the risk and financial value of the Contract is deemed appropriate, including all those above the EU Thresholds, contract managers must:

- prepare a Business Case
- undertake appropriate Risk Assessments

- maintain a Risk Register during the contract period
- ensure that mitigation and contingency measures are in place
- manage the contract in accordance with best practice
- have regard to end of contract reviews of other similar contracts

Contract Monitoring, Evaluation and Review

All contracts with a value above the EU Thresholds, or which are High Risk, should have a formal monthly or quarterly review with the contractor.

Throughout a contract period the Contract Manager must monitor:

- Contractor's performance
- Compliance with the Specification
- Compliance with the Programme
- Contract costs and Value for Money requirements
- Health and Safety compliance
- Risk Management.
- The Project Plan
- Client's resourcing of the contract

At the end of a contract period the Contract Manager must ensure:

- That all required Works, Supplies and Services have been completed
- The Final Account has been completed
- An End of Contract Review on the standard template has been completed

Late Payment Regulations and Prompt payment of sub-contractors

The Late Payment of Commercial Debts Regulations 2013 requires public authorities to pay within 30 calendar days following receipt of a valid and undisputed invoice. Simple interest is calculated equal to the sum of the Bank of England reference rate plus at least eight percentage points. The creditor is also entitled to a fixed charge of £40, £70 or £100 depending on the size of the debt (under £1,000, under £10,000, and higher), plus additional reasonable costs incurred.

As a public authority the Council, if a debt is not paid within the deadline, is obliged to automatically pay the outstanding amount that includes, daily interest for every day the payment is late based on 8 percentage points above the Bank of England's reference rate plus the fixed amount, depending on the size of the unpaid debt. The onus is on the Officer to pay a supplier on time and the supplier is not obliged to remind you that payment is outstanding.

Officers must include a clause in their contracts that requires contractors to pay their sub-contractors and suppliers within 30 days of receipt of a valid and undisputed invoice. This is to comply with the PCR2015 and to cascade good practice in public procurement supply chains. There must also be a requirement for a sub-contractor to include in any sub-contract which it in turn awards requirements to the same effect.

VAT

To avoid potential VAT loss and to enable the recovery of VAT officers must ensure that VAT invoices are sent and addressed directly to the Council. Officers must avoid situations where a 3rd party receives the taxable supply that the Council subsequently pays where the supporting evidence from a 3rd party shows their payee details. A failure to recover VAT is an unnecessary and additional budget pressure and is a cost to the project / spending department.

SMEs

PCR2015 have provisions to make procurements more accessible for smaller businesses and third sector providers. These include:

- A bar on using PQQs for below threshold procurements
- An encouragement to use Lots for larger contracts
- an obligation to publish opportunities on the Government's Contract Finder website for certain procurements. These include where an opportunity is advertised, so not when exercising a call-off from a framework for example, and where the contract value is over £25,000.

The Regulations require an Award notice to be published on Contracts Finder when:

- an OJEU Award notice is published
- an above EU threshold call-off under a framework is awarded
- a public contract over £25,000 is awarded

The Concession Contracts Regulations 2016

A Concession is a written contract for works or services where the consideration consists in the right to exploit the works or services or in that right together with payment and there is transfer of an operating risk to the concessionaire and a risk of exposure to the vagaries of the market.

The Regulations apply to Works and Services above the EU concessions threshold. The value of a concession is the estimated total turnover, net of VAT, generated by the concessionaire over the duration of the contract. The amount paid by the Council is not relevant. The method for estimating the value should be set out in the concession documents when the concession is advertised.

The Regulations limit the potential duration of concessions. Where the contract will exceed 5 years it cannot exceed the time a concessionaire could reasonably be expected to take to recoup the investment made plus a reasonable return on invested capital.

There is no formal prescribed procurement process but must comply with basic standards and principles and includes selection and award criteria, an OJEU Concession Notice, a standstill period and an OJEU Award notice

PCR2015 Procurement Procedures

The Public Contracts Regulations 2015 procurement procedures apply where the value of a contract exceeds the relevant EU threshold. These thresholds are reviewed from time to time by the EU. Up to date figures and advice on which threshold applies can be confirmed by the Corporate Procurement Manager.

The Regulations define the classification of “Supply”, “Service” and “Works” contracts. Where a contract covers more than one classification it is usually classified according to its predominant purpose.

The Regulations define how the value of a contract is assessed for the purposes of the EU Thresholds. The various procurement procedures include some defined timescales which are mandatory. These include minimum times for the receipt of requests to tender and for receipt of tenders.

The OJEU Notice must be submitted in the prescribed form and be published in the Official Journal of the European Union (OJEU). The Corporate Procurement Manager can advise on the application of the Regulations.

Five procurement procedures are available for OJEU procurements regulated by the Public Contracts Regulations 2015:

Choice of Procedures:

Contracting authorities may apply open or restricted procedures or innovation partnerships as regulated.

Contracting authorities may only apply a competitive procedure with negotiation or a competitive dialogue with regard to works, supplies or services fulfilling one or more of the following criteria:

- the needs cannot be met without adaptation of readily available solutions;
- they include design or innovative solutions;
- the requirement is complex in nature, in its legal and financial makeup or because of its risks;
- the technical specifications cannot be established with sufficient precision;
- in response to an open or a restricted procedure where only irregular or unacceptable tenders are submitted.

Open procedure

All interested parties can submit a tender in response to the OJEU Notice. Tenders can be clarified following receipt but changes to the tender and any negotiations are not permitted. The open procedure is preferred but less likely to be appropriate where there is any complexity or if a high number of bids might be received.

Restricted procedure

Interested parties can submit an expression of interest in response to the OJEU Notice. A short listing exercise is carried out using a Pre Qualification Questionnaire (PQQ). Only those meeting the published evaluation criteria can be invited to tender. A minimum of five suppliers must be invited to tender unless fewer suitable candidates have met the criteria and there is sufficient number to ensure genuine competition. Tenders can be clarified following receipt with finalisation of contract terms but changes to the tender and any negotiations are not permitted.

Competitive Procedure with Negotiation (CPN)

Any party may express an interest in tendering and the authority will select potential bidders with whom to negotiate. Minimum requirements are set out at the beginning and cannot be changed during the process. The minimum requirements and the award criteria shall not be subject to negotiation

Only those meeting the required capabilities can be invited to tender. A minimum of three suppliers must be invited to tender unless fewer suitable candidates have met the criteria and there is sufficient number to ensure genuine competition.

Negotiation may take place:

- On all aspects other than the Minimum Requirements, such as quality, quantities, commercial clauses, social, environmental and innovative aspects.
- In stages with successive elimination by applying the award criteria.
- On all tender stages except the final stage, negotiation is not permitted on the final tender.

Competitive Dialogue (CD)

Many of the requirements for Competitive Dialogue are broadly similar to Competition with Negotiation, as noted above.

Final tenders may be clarified, specified and optimised. Negotiations may confirm financial commitments or other terms in the tender that do not materially modify essential aspects of the final tender or risk distorting competition or causing discrimination.

The recitals to the regulations note that CPN and CD should not be used for off-the-shelf services or products which can be provided by many different operators in the market.

It is good practice to have pre-market engagement with current and potential suppliers to identify the technical means of delivering the requirement and / or the legal / financial make-up of the project.

Innovation Partnerships

This procedure is aimed at encouraging the development of innovative products, services or works which are not already available on the market. The procurement process largely follows that for CPN.

Following award the structure of the process covers two parts, the development of the innovative product, service or works and then the purchase of the resulting supplies, services or works.

It should be structured in successive phases with intermediate targets and payments and provide an option to end the contract after each phase. The arrangements applicable to IPR should be set out in the procurement documents.

Version Control Information:

Document Status	Constitution	Mandatory
Document Owner	Head of Democracy & Governance	Carol Chen
Document Manager	Corporate Procurement Manager	Howard Hughes
Review	Annual review due:	July 2017
Version Control	Details	Date
v 1.0 – 4.0	Drafts for consultation	
v 5.0	Approved at Full Council	24 July 2013
v 6.0	Amendment page 4 re HR	Sept 2013
v 7.2	Amendments: CDM, Record of Exemptions, End of Contract actions, VAT, Version Control information added	December 2013
V 8.0	Updates from PCR2015	June 2016

Report to: Outsourced Services Scrutiny Panel

Date of meeting 7 July 2016

Title: End of year (2015/16) Key Performance Indicator Report

1.0 SUMMARY

- 1.1 Watford BC's Corporate Plan sets out the council's priorities and corporate work programme over a four year period. Underpinning the plan is a suite of key performance indicators. These measures support the delivery of good quality services (both internal and external) by highlighting areas of good performance and, more importantly, poor performance. Highlighting poor performance gives the organisation the information required to address these areas and the extent of improvement needed.
- 1.2 The attached report shows the results for the key performance indicators identified for Watford Borough Council's outsourced services at the end of 2015/16. The report shows:
- The result for 2015/16
 - The results for the two previous years (2013/14 and 2014/15) where available
 - The target set for 2015/16
 - Whether the indicator result is above or below target
 - The proposed target for 2016/17
 - Benchmarking information, where available, against Hertfordshire authorities or all England authorities
- 1.3 A significant amount of the data has been presented in chart / graphic format to support analysis of the information provided.

2.0 RECOMMENDATIONS

- 2.1 Panel to note and comment on the performance of the identified outsourced service indicators at the end of quarter 4 (January – March 2016)
- 2.2 Panel to note the proposed targets for 2016/17.
- 2.3 Panel to advise if there are any other areas / indicators that they would like to see included in the 2016/17 suite of indicators.
- 2.4 Panel to note the indicators will be reported to them on a quarterly basis.

Contact Officer:

For further information please contact:

Kathryn Robson, Partnerships and Performance Section Head ext.: 8077 or

kathryn.robson@watford.gov.uk

3.0 **Background information**

Watford BC regularly collects and monitors performance data for a wide range of its service areas. This is to ensure that services are performing at an acceptable standard. It helps highlight areas of good performance as well as those areas which might require some additional focus to improve performance. This performance data and information is reported to the council's Leadership Team on a regular basis and to Cabinet and either Overview and Scrutiny Committee or Outsourced Services Scrutiny Panel on a quarterly basis.

3.1 **Watford Borough Council outsourced services**

3.1.1 Watford BC has a number of outsourced services. Within the contracts associated with these services is a requirement to collect and report performance information to the council to support its role as 'client' or 'commissioner'. The range and scope of this information is defined within each contract and are relevant to the area of service delivery.

3.1.2 For 2015/16 performance information relating to the following outsourced contracts were reported to Panel:

- Veolia
 - Waste and recycling
 - Street cleansing
 - Parks and open spaces
- SLM
 - Watford Leisure Centre – Woodside
 - Watford Leisure Centre - Central
- HQ Theatres
 - Watford Colosseum
- Indigo (formerly Vinci)
 - Parking
- Watford Borough Council (lead authority)
 - Human Resources
- Three Rivers District Council (lead authority)
 - Revenues and Benefits

3.1.3 Until 1 July 2016, Capita provided ICT services for both Watford BC and Three Rivers DC. In autumn 2016, Capita was advised that the contract for this service would be terminated and, since that, date significant work has been undertaken by both Watford BC, as the lead authority for ICT services, and Capita to ensure the smooth transition to

the new model of service delivery. Members have been kept up to date with this work and the successful procurement of a new service desk provider (Amicus ITS), the creation of an in-house team for desk and server support and the plans for outsourced provision of network services.

Final performance information will be required of Capita but robust performance information for quarter 4 is not yet available for reporting.

From quarter 2 2016/17, Amicus will be responsible for providing performance information that will then be reported to Panel.

- 3.1.3 All other performance information available at Quarter 4 2015/16 that relates to the areas outlined in 3.1.2 is included in this report to Panel at Appendix A.

4.0 **IMPLICATIONS.**

4.1 **Financial**

- 4.1.1 There are no financial implications within this report.

4.2 **Legal Issues** (Monitoring Officer)

- 4.2.1 There are no legal implications within this report.

Appendices

Appendix A

WATFORD BOROUGH COUNCIL – MEASURES OF PERFORMANCE - Outsourced Services Quarter 4 (January - March) / end of year 2015/16

Appendix A

End of year key performance indicator: year 2015/16

Each year, we identify a number of performance indicators that measure our key priorities or where we need to improve our performance.

These measures should support the council deliver high quality outcomes and, through regular monitoring, provide an early indication if performance levels are not being achieved.

Over the next year, additional focus will be given to understanding how Watford BC's performance compares with other organisations to ensure we are maintaining or working towards best performance, including upper quartile where this data is available.

I. SERVICE DELIVERY

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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)										
ES1.	Residual household waste per household A low result is good for this indicator	Environ'tal Services Client	Quarterly	<p>Household waste per household</p> <table><thead><tr><th>Year</th><th>Household waste per household (kg)</th></tr></thead><tbody><tr><td>2013/14</td><td>N/A (old definition)</td></tr><tr><td>2014/15</td><td>446.34</td></tr><tr><td>2015/16</td><td>470.28</td></tr><tr><td>Target</td><td>485</td></tr></tbody></table>	Year	Household waste per household (kg)	2013/14	N/A (old definition)	2014/15	446.34	2015/16	470.28	Target	485	<p>Above target:</p> <p>2015/16 figure is based on 38,770 households. There has been an increase on 14/15 figure which is also reflected in our overall recycling %.</p> <p>The figure is, however, under target and demonstrates our successful landfill diversion through the year.</p> <p>Proposed target 2016/17: 465kg</p>
Year	Household waste per household (kg)														
2013/14	N/A (old definition)														
2014/15	446.34														
2015/16	470.28														
Target	485														

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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)												
ES2	Waste recycled and composted A high result is good for this indicator	Environ'tal Services Client	Quarterly	<p>Waste recycled and composted</p> <table><thead><tr><th>Year</th><th>Waste recycled and composted (%)</th><th>Target (%)</th></tr></thead><tbody><tr><td>2013/14</td><td>N/A (old definition)</td><td></td></tr><tr><td>2014/15</td><td>44.63%</td><td>46%</td></tr><tr><td>2015/16</td><td>40.23%</td><td>46%</td></tr></tbody></table>	Year	Waste recycled and composted (%)	Target (%)	2013/14	N/A (old definition)		2014/15	44.63%	46%	2015/16	40.23%	46%	<p>Below target:</p> <p>This below target result is due to a number of factors:</p> <ul style="list-style-type: none">A change in legislation in 2015/16 whereby any contamination found in processed recycling material is deducted from the overall recycling rateA very slow growing season at the beginning of the year resulted in poor overall composting rate which never then recovered in the year (start of 2016/17 is more positive) <p>Planned initiatives around flats and food waste will also ensure improved result in 2016/17.</p> <p>Proposed target 2016/17: 46%</p>
Year	Waste recycled and composted (%)	Target (%)															
2013/14	N/A (old definition)																
2014/15	44.63%	46%															
2015/16	40.23%	46%															
ES3	Recycled household kerbside collection services (Veolia contract target) A high result is good for this indicator	Environ'tal Services Client	Quarterly	<p>Waste recycled and composted: contract target</p> <table><thead><tr><th>Year</th><th>Waste recycled and composted (%)</th><th>Target (%)</th></tr></thead><tbody><tr><td>2013/14</td><td>N/A (old definition)</td><td></td></tr><tr><td>2014/15</td><td>44.68%</td><td>47.5%</td></tr><tr><td>2015/16</td><td>43.15%</td><td>47.5%</td></tr></tbody></table>	Year	Waste recycled and composted (%)	Target (%)	2013/14	N/A (old definition)		2014/15	44.68%	47.5%	2015/16	43.15%	47.5%	<p>Below target:</p> <p>This definition differs from above as it only includes kerbside collection material and is Veolia's contractual target.</p> <p>Planned initiatives around flats and food waste will also ensure improved result in 2016/17.</p> <p>Proposed target 2016/17: 47.5%</p>
Year	Waste recycled and composted (%)	Target (%)															
2013/14	N/A (old definition)																
2014/15	44.68%	47.5%															
2015/16	43.15%	47.5%															

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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)										
ES4	<p>Levels of Litter: Improved street and environmental cleanliness</p> <p>A low result is good for this indicator</p>	Environ'tal Services Client	Quarterly	<p>Litter: street & environmental cleanliness</p> <table><thead><tr><th>Year</th><th>Result</th></tr></thead><tbody><tr><td>2013/14</td><td>5.06%</td></tr><tr><td>2014/15</td><td>N/A</td></tr><tr><td>2015/16</td><td>3.97%</td></tr><tr><td>Target</td><td>4.5%</td></tr></tbody></table>	Year	Result	2013/14	5.06%	2014/15	N/A	2015/16	3.97%	Target	4.5%	<p>Above target:</p> <p>Proposed target 2016/17: 4.0%</p>
Year	Result														
2013/14	5.06%														
2014/15	N/A														
2015/16	3.97%														
Target	4.5%														
ES5	<p>Levels of Detritus: Improved street and environmental cleanliness</p> <p>A low result is good for this indicator</p>	Environ'tal Services Client	Quarterly	<p>Detritus: street & environmental cleanliness</p> <table><thead><tr><th>Year</th><th>Result</th></tr></thead><tbody><tr><td>2013/14</td><td>6.76%</td></tr><tr><td>2014/15</td><td>N/A</td></tr><tr><td>2015/16</td><td>6.79%</td></tr><tr><td>Target</td><td>6.0%</td></tr></tbody></table>	Year	Result	2013/14	6.76%	2014/15	N/A	2015/16	6.79%	Target	6.0%	<p>Below target:</p> <p>Just below target for the year. The last quarter result (4.39%) is below target and shows a marked improvement on previous quarters</p> <p>Proposed target 2016/17: 6.0%</p>
Year	Result														
2013/14	6.76%														
2014/15	N/A														
2015/16	6.79%														
Target	6.0%														

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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)										
ES6	Levels of Graffiti: Improved street and environmental cleanliness A low result is good for this indicator	Environ'tal Services Client	Quarterly	<p>Graffiti: street and environmental cleanliness</p> <table><thead><tr><th>Year</th><th>Percentage</th></tr></thead><tbody><tr><td>2013/14</td><td>2.67%</td></tr><tr><td>2014/15</td><td>N/A</td></tr><tr><td>2015/16</td><td>3.82%</td></tr><tr><td>Target</td><td>3.5%</td></tr></tbody></table>	Year	Percentage	2013/14	2.67%	2014/15	N/A	2015/16	3.82%	Target	3.5%	<p>Below target:</p> <p>The most recent survey (Q4) has identified 'Main and Other Retail/Commercial and 'Other Highways' (footpaths / subways) as graffiti hotspots. Therefore, attention will be focused on these areas to deliver improvement.</p> <p>Proposed target 2016/17: 3.5%</p>
Year	Percentage														
2013/14	2.67%														
2014/15	N/A														
2015/16	3.82%														
Target	3.5%														
ES7	Levels of Fly Posting: Improved street and environmental cleanliness A low result is good for this indicator	Environ'tal Services Client	Quarterly	<p>Fly posting: street & environmental cleanliness</p> <table><thead><tr><th>Year</th><th>Percentage</th></tr></thead><tbody><tr><td>2013/14</td><td>0.61%</td></tr><tr><td>2014/15</td><td>N/A</td></tr><tr><td>2015/16</td><td>1.84%</td></tr><tr><td>Target</td><td>0.33%</td></tr></tbody></table>	Year	Percentage	2013/14	0.61%	2014/15	N/A	2015/16	1.84%	Target	0.33%	<p>Below target:</p> <p>Flyposting remains a widespread problem particularly in commercial and retail areas. Further efforts will be made to target flyposting with the aim of improving for 2016/17.</p> <p>A flyposting task group is being set up to look at enforceable avenues to further combat this issue. The flypost task group is starting in June 2016 and will have officers from the environmental services client team, planning, community and customer services and Veolia. The meetings will determine the scale of the issue and ascertain practicalities around enforcement as a deterrent. Will be in a position to report on progress towards the end of Summer 2016.</p> <p>Proposed target 2016/17: 0.6%</p>
Year	Percentage														
2013/14	0.61%														
2014/15	N/A														
2015/16	1.84%														
Target	0.33%														

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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)										
LC1	Throughput of Watford Leisure Centre: Woodside A high result is good for this indicator	Leisure & Community Services Client	Quarterly	<p>Throughput: Watford Leisure Centre: Woodside</p> <table><thead><tr><th>Year</th><th>Throughput</th></tr></thead><tbody><tr><td>2013/14</td><td>600,309</td></tr><tr><td>2014/15</td><td>748,009</td></tr><tr><td>2015/16</td><td>820,871</td></tr><tr><td>Target</td><td>785,500</td></tr></tbody></table>	Year	Throughput	2013/14	600,309	2014/15	748,009	2015/16	820,871	Target	785,500	<p>Above target:</p> <p>Proposed target 2016/17: + 2%</p> <p>Benchmarking data will be available for 2016/17.</p>
Year	Throughput														
2013/14	600,309														
2014/15	748,009														
2015/16	820,871														
Target	785,500														
LC2	Membership of Watford Leisure Centre Woodside A high result is good for this indicator			<p>Membership of Watford Leisure Centre: Woodside</p> <table><thead><tr><th>Year</th><th>Membership</th></tr></thead><tbody><tr><td>2013/14</td><td>N/A</td></tr><tr><td>2014/15</td><td>6,882</td></tr><tr><td>2015/16</td><td>9,252</td></tr><tr><td>Target</td><td>7,300</td></tr></tbody></table>	Year	Membership	2013/14	N/A	2014/15	6,882	2015/16	9,252	Target	7,300	<p>Above target:</p> <p>Proposed target 2016/17: + 2%</p> <p>Benchmarking data will be available for 2016/17.</p>
Year	Membership														
2013/14	N/A														
2014/15	6,882														
2015/16	9,252														
Target	7,300														

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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)										
LC3	Throughput of Watford Leisure Centre: Central A high result is good for this indicator	Leisure & Community Services Client	Quarterly	<p>Throughput: Watford Leisure Centre: Central</p> <table><thead><tr><th>Year</th><th>Throughput</th></tr></thead><tbody><tr><td>2013/14</td><td>309,423</td></tr><tr><td>2014/15</td><td>N/A</td></tr><tr><td>2015/16</td><td>390,653</td></tr><tr><td>Target</td><td>325,500</td></tr></tbody></table>	Year	Throughput	2013/14	309,423	2014/15	N/A	2015/16	390,653	Target	325,500	<p>Above target:</p> <p>Proposed target 2016/17: + 2%</p> <p>Benchmarking data will be available for 2016/17.</p>
Year	Throughput														
2013/14	309,423														
2014/15	N/A														
2015/16	390,653														
Target	325,500														
LC4	Membership of Watford Leisure Centre Central A high result is good for this indicator			<p>Membership of Watford Leisure Centre: Central</p> <table><thead><tr><th>Year</th><th>Membership</th></tr></thead><tbody><tr><td>2013/14</td><td>N/A</td></tr><tr><td>2014/15</td><td>5,416</td></tr><tr><td>2015/16</td><td>5,867</td></tr><tr><td>Target</td><td>5,670</td></tr></tbody></table>	Year	Membership	2013/14	N/A	2014/15	5,416	2015/16	5,867	Target	5,670	<p>Above target:</p> <p>Proposed target 2016/17: + 2%</p> <p>Benchmarking data will be available for 2016/17.</p>
Year	Membership														
2013/14	N/A														
2014/15	5,416														
2015/16	5,867														
Target	5,670														

	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)										
LC3	<p>Number of ticketed performances: Watford Colosseum</p> <p>A high result is good for this indicator</p>	Leisure & Community Services Client	Quarterly	<p>Number of ticketed performances: Colosseum</p> <table><thead><tr><th>Year</th><th>Number of ticketed performances</th></tr></thead><tbody><tr><td>2013/14</td><td>157</td></tr><tr><td>2014/15</td><td>253</td></tr><tr><td>2015/16</td><td>259</td></tr><tr><td>Target</td><td>185</td></tr></tbody></table>	Year	Number of ticketed performances	2013/14	157	2014/15	253	2015/16	259	Target	185	<p>Above target:</p> <p>Proposed target 2016/17: 220</p> <p>Target is set based upon a review of the planned programme. The aim is to achieve ‘quality’ events not just quantity. In addition, the anticipated building works to the facility will impact on the number of available days for performances.</p>
Year	Number of ticketed performances														
2013/14	157														
2014/15	253														
2015/16	259														
Target	185														

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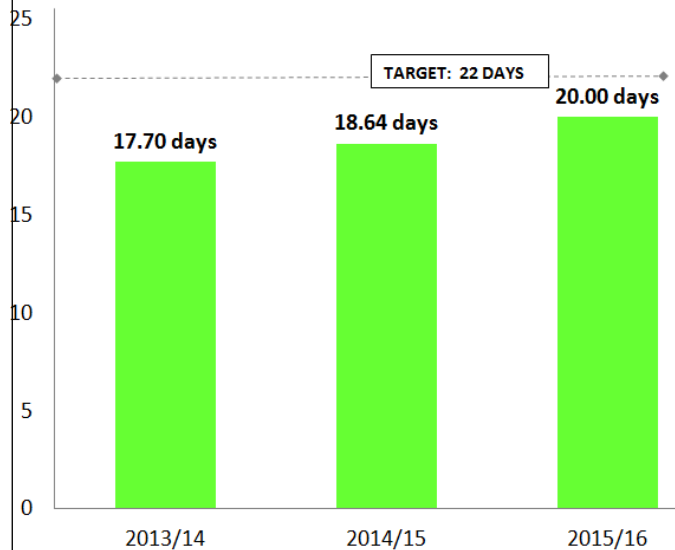

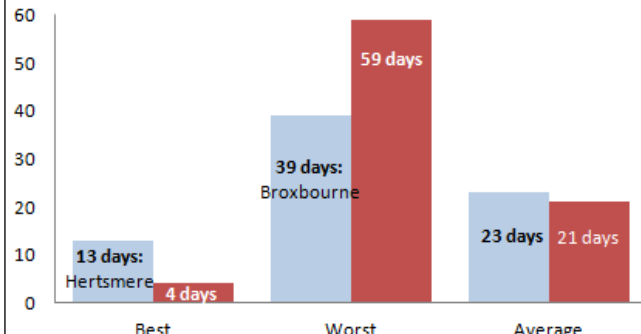
	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)																
R&D1	Penalty Charge Notices issued	Regeneration & Development	Quarterly	<div><p>Penalty Charge Notices: Q4 2015/16</p><table><thead><tr><th>Year</th><th>Penalty Charge Notices</th></tr></thead><tbody><tr><td>2013/14</td><td>6,210</td></tr><tr><td>2014/15</td><td>5,043</td></tr><tr><td>2015/16</td><td>6,011</td></tr></tbody></table></div> <div><p>Penalty Charge Notices</p><table><thead><tr><th>Year</th><th>Penalty Charge Notices</th></tr></thead><tbody><tr><td>2013/14</td><td>N/A</td></tr><tr><td>2014/15</td><td>23,217</td></tr><tr><td>2015/16</td><td>23,238</td></tr></tbody></table></div>	Year	Penalty Charge Notices	2013/14	6,210	2014/15	5,043	2015/16	6,011	Year	Penalty Charge Notices	2013/14	N/A	2014/15	23,217	2015/16	23,238	<p>This indicator does not have a target set.</p> <p>The results shown are for Q4 and for the year</p>
Year	Penalty Charge Notices																				
2013/14	6,210																				
2014/15	5,043																				
2015/16	6,011																				
Year	Penalty Charge Notices																				
2013/14	N/A																				
2014/15	23,217																				
2015/16	23,238																				


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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)																
R&D2	Tribunal appeals (won/lost/not contested (N/C))	Regeneration & Development	Quarterly	<p style="text-align: center;">Tribunal appeals</p> <table><thead><tr><th>Year</th><th>won</th><th>lost</th><th>not contested</th></tr></thead><tbody><tr><td>2013/14</td><td>N/A</td><td></td><td></td></tr><tr><td>2014/15</td><td>30</td><td>19</td><td>13</td></tr><tr><td>2015/16</td><td>33</td><td>18</td><td>5</td></tr></tbody></table>	Year	won	lost	not contested	2013/14	N/A			2014/15	30	19	13	2015/16	33	18	5	This indicator does not have a target set.
Year	won	lost	not contested																		
2013/14	N/A																				
2014/15	30	19	13																		
2015/16	33	18	5																		
R&D3	Reasons for appeals lost (narrative measure)	Regeneration & Development	Quarterly	<ul style="list-style-type: none">• States zone entry sign was not prominent enough to be seen and registered by a motorist• Adjudicator not satisfied that the PCN was served• Adjudicator states that the hire agreement was valid• Adjudicator states that, as the pedestrian zone does not have repeater signs, it is not signed correctly• Appellant had paid £35 and adjudicator stated this was sufficient• Adjudicator believed that a disabled badge was on display at the time, even though it could not be seen in the photographs and was not recorded by the CEO																	


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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)																				
R&B1	<p>Average time to process housing benefits claims (from date of receipt to date processed)</p> <p>A low result is good for this indicator</p>	Revenues & Benefits	Monthly	<p>Average time to process housing benefits claims</p>  <table><caption>Average time to process housing benefits claims</caption><thead><tr><th>Year</th><th>Average time (days)</th></tr></thead><tbody><tr><td>2013/14</td><td>17.70</td></tr><tr><td>2014/15</td><td>18.64</td></tr><tr><td>2015/16</td><td>20.00</td></tr></tbody></table> <p>TARGET: 22 DAYS</p>	Year	Average time (days)	2013/14	17.70	2014/15	18.64	2015/16	20.00	<p>Above target: </p> <p>Ongoing IT issues did impact performance in 2015/16.</p> <p>Proposed target 2016/17: 22 days</p> <p>Service is reviewing target.</p> <p>Benchmarking:</p> <p>Herts and English performance: Q3 2015/16</p>  <table><caption>Herts and English performance: Q3 2015/16</caption><thead><tr><th>Category</th><th>Herts (days)</th><th>English (days)</th></tr></thead><tbody><tr><td>Best</td><td>13</td><td>4</td></tr><tr><td>Worst</td><td>39</td><td>59</td></tr><tr><td>Average</td><td>23</td><td>21</td></tr></tbody></table>	Category	Herts (days)	English (days)	Best	13	4	Worst	39	59	Average	23	21
Year	Average time (days)																								
2013/14	17.70																								
2014/15	18.64																								
2015/16	20.00																								
Category	Herts (days)	English (days)																							
Best	13	4																							
Worst	39	59																							
Average	23	21																							

	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)																		
R&B2	<p>Average time to process change of circumstances (from date of receipt to date processed)</p> <p>A low result is good for this indicator</p>	Revenues & Benefits	Monthly	<p>Average time to process change of circumstances</p> <table border="1"><caption>Average time to process change of circumstances</caption><thead><tr><th>Year</th><th>Average time (days)</th></tr></thead><tbody><tr><td>2013/14</td><td>29.80</td></tr><tr><td>2014/15</td><td>13.66</td></tr><tr><td>2015/16</td><td>12.00</td></tr><tr><td>Target</td><td>15</td></tr></tbody></table>	Year	Average time (days)	2013/14	29.80	2014/15	13.66	2015/16	12.00	Target	15	<p>Above target: </p> <p>Ongoing IT issues did impact performance in 2015/16.</p> <p>Proposed target 2016/17: 15 days</p> <p>Service is reviewing target.</p> <p>Benchmarking:</p> <p>Herts and English performance: Q3 2015/16</p> <table border="1"><caption>Herts and English performance: Q3 2015/16</caption><thead><tr><th>Category</th><th>Performance (days)</th></tr></thead><tbody><tr><td>Best</td><td>4 days: NHDC</td></tr><tr><td>Worst</td><td>17 days: Watford</td></tr><tr><td>Average</td><td>9 days</td></tr></tbody></table>	Category	Performance (days)	Best	4 days: NHDC	Worst	17 days: Watford	Average	9 days
Year	Average time (days)																						
2013/14	29.80																						
2014/15	13.66																						
2015/16	12.00																						
Target	15																						
Category	Performance (days)																						
Best	4 days: NHDC																						
Worst	17 days: Watford																						
Average	9 days																						

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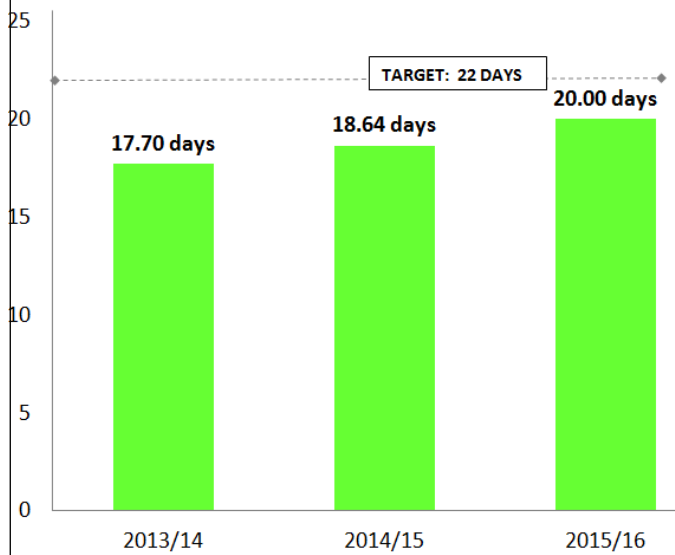

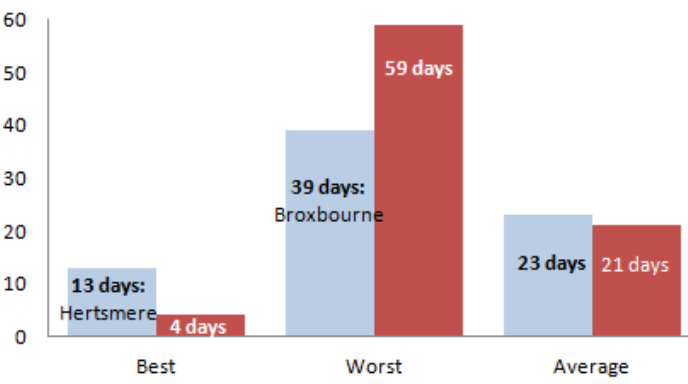
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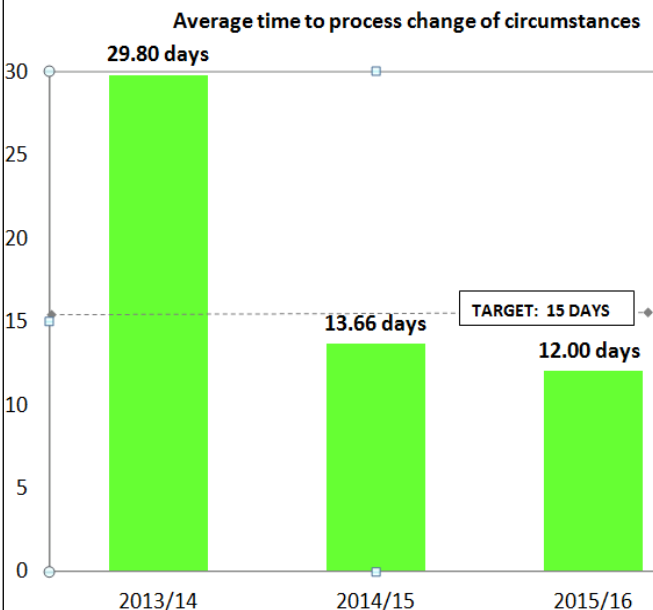

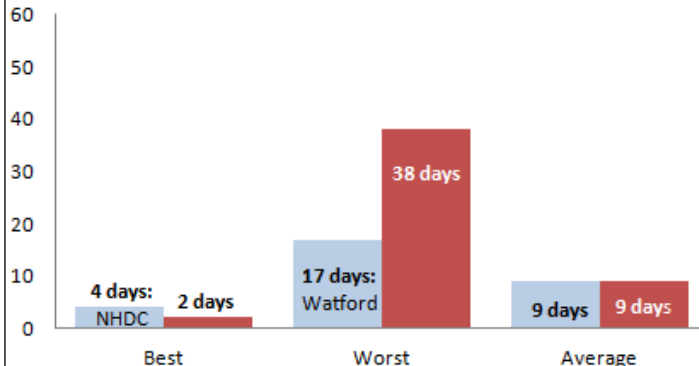
	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)																		
R&B3	<p>Collection rates of council tax</p> <p>A high result is good for this indicator</p> <p><i>NB: we are aware that councils are not reporting this result to government in the same way so national benchmarking data is not necessarily sound. For example, some councils are not submitting 'in year' performance but including collection from previous years. This gives a higher result.</i></p>	Revenues & Benefits	Monthly	<p>Collection rate: council tax</p>  <table><caption>Collection rate: council tax</caption><thead><tr><th>Year</th><th>Collection Rate</th></tr></thead><tbody><tr><td>2013/14</td><td>95.50%</td></tr><tr><td>2014/15</td><td>96.20%</td></tr><tr><td>2015/16</td><td>96.58%</td></tr><tr><td>Target</td><td>96.00%</td></tr></tbody></table>	Year	Collection Rate	2013/14	95.50%	2014/15	96.20%	2015/16	96.58%	Target	96.00%	<p>Above target: </p> <p>Showing consistent improved performance. The reminder cycle currently starts each year in May. From 2017/18 the reminder cycle will start in April.</p> <p>Proposed target 2016/17: 96.5%</p> <p>Benchmarking</p>  <table><caption>Herts performance: 2014/15</caption><thead><tr><th>Category</th><th>Performance</th></tr></thead><tbody><tr><td>Best (St Albans)</td><td>99.0%</td></tr><tr><td>Worst (Watford)</td><td>96.0%</td></tr><tr><td>Average</td><td>97.7%</td></tr></tbody></table>	Category	Performance	Best (St Albans)	99.0%	Worst (Watford)	96.0%	Average	97.7%
Year	Collection Rate																						
2013/14	95.50%																						
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Best (St Albans)	99.0%																						
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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)																		
R&B4	<p>Collection rates of NNDR</p> <p>A high result is good for this indicator</p> <p><i>See above for benchmarking comment</i></p>	Revenues & Benefits	Monthly	<p>Collection rate: NNDR</p> <table><thead><tr><th>Year</th><th>Collection rate (%)</th></tr></thead><tbody><tr><td>2013/14</td><td>97.30%</td></tr><tr><td>2014/15</td><td>97.70%</td></tr><tr><td>2015/16</td><td>98.20%</td></tr><tr><td>Target</td><td>97.30%</td></tr></tbody></table>	Year	Collection rate (%)	2013/14	97.30%	2014/15	97.70%	2015/16	98.20%	Target	97.30%	<p>Above target:</p> <p>Proposed target 2016/17: 98.2%</p> <p>Benchmarking</p> <p>Herts performance: 2014/15</p> <table><thead><tr><th>Category</th><th>Performance (%)</th></tr></thead><tbody><tr><td>Best (St Albans)</td><td>99.6%</td></tr><tr><td>Worst (East Herts)</td><td>97.2%</td></tr><tr><td>Average</td><td>98.1%</td></tr></tbody></table>	Category	Performance (%)	Best (St Albans)	99.6%	Worst (East Herts)	97.2%	Average	98.1%
Year	Collection rate (%)																						
2013/14	97.30%																						
2014/15	97.70%																						
2015/16	98.20%																						
Target	97.30%																						
Category	Performance (%)																						
Best (St Albans)	99.6%																						
Worst (East Herts)	97.2%																						
Average	98.1%																						

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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)																				
R&B5	<p>Average time to process housing benefits claims (from date of receipt to date processed)</p> <p>A low result is good for this indicator</p>	Revenues & Benefits	Monthly	<p>Average time to process housing benefits claims</p>  <table><caption>Average time to process housing benefits claims</caption><tr><th>Year</th><th>Average time (days)</th></tr><tr><td>2013/14</td><td>17.70</td></tr><tr><td>2014/15</td><td>18.64</td></tr><tr><td>2015/16</td><td>20.00</td></tr></table> <p>TARGET: 22 DAYS</p>	Year	Average time (days)	2013/14	17.70	2014/15	18.64	2015/16	20.00	<p>Above target: </p> <p>Ongoing IT issues did impact performance in 2015/16.</p> <p>Proposed target 2016/17: 22 days</p> <p>Service is reviewing target.</p> <p>Benchmarking:</p> <p>Herts and English performance: Q3 2015/16</p>  <table><caption>Herts and English performance: Q3 2015/16</caption><tr><th>Category</th><th>Herts (days)</th><th>English (days)</th></tr><tr><td>Best</td><td>13</td><td>4</td></tr><tr><td>Worst</td><td>39</td><td>59</td></tr><tr><td>Average</td><td>23</td><td>21</td></tr></table>	Category	Herts (days)	English (days)	Best	13	4	Worst	39	59	Average	23	21
Year	Average time (days)																								
2013/14	17.70																								
2014/15	18.64																								
2015/16	20.00																								
Category	Herts (days)	English (days)																							
Best	13	4																							
Worst	39	59																							
Average	23	21																							

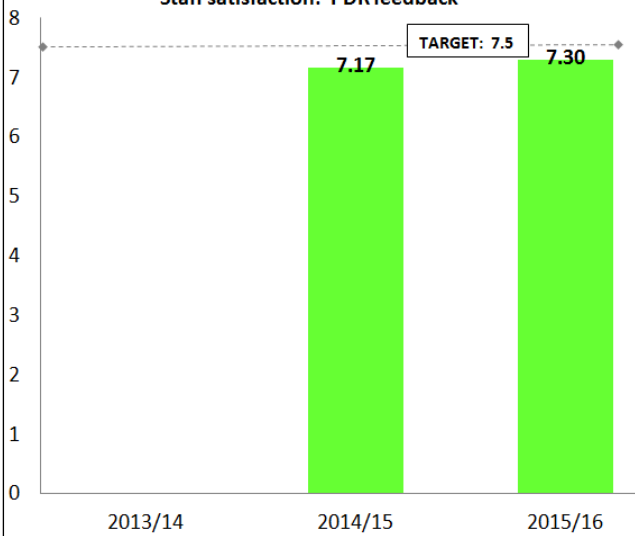
	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)																
R&B6	<p>Average time to process change of circumstances (from date of receipt to date processed)</p> <p>A low result is good for this indicator</p>	Revenues & Benefits	Monthly	<p>Average time to process change of circumstances</p>  <table><thead><tr><th>Year</th><th>Average time to process change of circumstances (days)</th></tr></thead><tbody><tr><td>2013/14</td><td>29.80</td></tr><tr><td>2014/15</td><td>13.66</td></tr><tr><td>2015/16</td><td>12.00</td></tr></tbody></table> <p>TARGET: 15 DAYS</p>	Year	Average time to process change of circumstances (days)	2013/14	29.80	2014/15	13.66	2015/16	12.00	<p>Above target: </p> <p>Ongoing IT issues did impact performance in 2015/16.</p> <p>Proposed target 2016/17: 15 days</p> <p>Service is reviewing target.</p> <p>Benchmarking:</p> <p>Herts and English performance: Q3 2015/16</p>  <table><thead><tr><th>Category</th><th>Performance (days)</th></tr></thead><tbody><tr><td>Best</td><td>4 days: NHDC, 2 days</td></tr><tr><td>Worst</td><td>17 days: Watford, 38 days</td></tr><tr><td>Average</td><td>9 days, 9 days</td></tr></tbody></table>	Category	Performance (days)	Best	4 days: NHDC, 2 days	Worst	17 days: Watford, 38 days	Average	9 days, 9 days
Year	Average time to process change of circumstances (days)																				
2013/14	29.80																				
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2015/16	12.00																				
Category	Performance (days)																				
Best	4 days: NHDC, 2 days																				
Worst	17 days: Watford, 38 days																				
Average	9 days, 9 days																				

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II. STAFF

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	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)								
HR1	Sickness absence (working days lost per employee, rolling 12 month rate) A low result is good for this indicator	Human Resources	Monthly	<p>Days lost from sickness</p> <table><thead><tr><th>Year</th><th>Days lost from sickness</th></tr></thead><tbody><tr><td>2013/14</td><td>6.40</td></tr><tr><td>2014/15</td><td>4.25</td></tr><tr><td>2015/16</td><td>5.72</td></tr></tbody></table>	Year	Days lost from sickness	2013/14	6.40	2014/15	4.25	2015/16	5.72	<p>Below target:</p> <p>Proposed target 2016/17: 5 days</p> <p>Benchmarking</p> <p>East of England Local Authority survey 2015/16</p> <p>Average days lost for district authorities: 7.85 days</p>
Year	Days lost from sickness												
2013/14	6.40												
2014/15	4.25												
2015/16	5.72												
HR2	Staff satisfaction 1. Taken from staff survey 2014 2. Taken from PDRs A high result is good for this indicator	Human Resources	Staff survey: Biennially PDR: Annually	<p>1. Staff Survey</p> <p>Staff satisfaction: 'valued for the work I do'</p> <table><thead><tr><th>Year</th><th>Staff satisfaction: 'valued for the work I do'</th></tr></thead><tbody><tr><td>2014/15</td><td>73.00%</td></tr></tbody></table>	Year	Staff satisfaction: 'valued for the work I do'	2014/15	73.00%	<p>No target set. Staff survey is not conducted every year.</p> <p>This indicator – <i>feeling valued for the work I do</i> – is the given measure for staff satisfaction.</p>				
Year	Staff satisfaction: 'valued for the work I do'												
2014/15	73.00%												

	Indicator	Service area	Reporting frequency	Results	Comments & Benchmarking (where available)										
				<div>2. PDR</div> <div>Staff satisfaction: PDR feedback</div>  <table><thead><tr><th>Year</th><th>Score</th></tr></thead><tbody><tr><td>2013/14</td><td>-</td></tr><tr><td>2014/15</td><td>7.17</td></tr><tr><td>2015/16</td><td>7.30</td></tr><tr><td>Target</td><td>7.5</td></tr></tbody></table>	Year	Score	2013/14	-	2014/15	7.17	2015/16	7.30	Target	7.5	<div>Below target:</div> <div>Proposed target 2016/17: 7.5</div> <div></div>
Year	Score														
2013/14	-														
2014/15	7.17														
2015/16	7.30														
Target	7.5														

Agenda Item 6

Outsourced Services Scrutiny Panel Draft work programme 2016/17

Chair Councillor Tim Williams

Vice-Chair Councillor Anne Rindl

Councillors Stephen Cavinder, Jagtar Singh Dhindsa, Kareen Hastrick, Anne Joynes and Paddy Kent

Date of Meeting	Item for agenda	Officer
07 July 2016	Work programme	Committee and Scrutiny Support Officer
	Performance indicators (quarter 4 2016/17)	Partnerships and Performance Section Head
	Introduction to procurement	Procurement Manager
27 September 2016	Performance report (quarter 1 2016/17)	Partnerships and Performance Section Head
	SLM tour of Central Leisure Centre and presentation (6.30pm start)	Corporate, Leisure & Community Client Section Head
31 October 2016	HQ Theatres tour and presentation (6.30pm start)	Corporate, Leisure & Community Client Section Head
	Watford Market	Property Section Head
30 November 2016	Performance report (quarter 2 2016/17)	Partnerships and Performance Section Head
	Waste and recycling contract with Veolia	Contract Manager
17 January 2017	ICT service	ICT Client Section Head
	Parking Enforcement Annual report	Transport and Infrastructure Section Head
22 February 2017	Performance report (quarter 3 2015/16)	Partnerships and Performance Section Head

Date of Meeting	Item for agenda	Officer
	Human Resources	Head of Human Resources